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7  
8

9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 MARY ANN DURLING,

12 Plaintiff,

13 vs.

14 LOWE'S HOME CENTERS, LLC., a Foreign  
Limited-Liability Company; DOE  
15 EMPLOYEE; ROE CONTRACTOR; ROE  
MAINTENANCE COMPANY; ROE  
16 PAINTING COMPANY; DOES II through X;  
and ROE CORPORATIONS IV through X,  
17 inclusive,

18 Defendants.  
19

CASE NO. 2:21-cv-02154-ART-VCF

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY DEADLINES  
(FIRST REQUEST)**

20 Defendant LOWE'S HOME CENTERS, LLC ("Defendant") and Plaintiff MARY ANN  
21 DURLING, by and through their respective counsel, and pursuant to Local Rule 26-3, stipulate to  
22 modify their discovery plan as follows:

23 1. Plaintiff filed her Complaint in the Eighth Judicial District Court for Clark County,  
24 Nevada on September 23, 2021. Defendant LOWE'S HOME CENTERS, LLC. removed said case  
25 to the U.S. District Court for the District of Nevada on December 7, 2021. (Doc. 1).

26 2. On December 14, 2021, Plaintiff filed a Motion for Remand. ECF No. 6. Lowe's  
27 opposed the motion for remand and filed its response on December 28, 2021. Plaintiff filed its  
28 response brief on December 28, 2021. ECF No. 8. On January 6, 2022, Parties entered a stipulation

1 to withdraw the motion to remand. ECF No. 9. On January 6, 2022, the Parties filed a Joint Status  
 2 Report. ECF No. 11. On January 11, 2022, the Court issued an order granting the Stipulation and  
 3 withdrawing Plaintiffs Motion to Remand. ECF No. 11.

4 3. The parties held their F.R.C.P. 26 conference on December 17, 2021, and in  
 5 compliance with F.R.C.P. 26(f) and LR 26-1(e) filed their initial Stipulated Discovery Plan and  
 6 Scheduling Order on February 19, 2020. (Doc. 14).

7 3. On March 25, 2022, the Magistrate approved the following discovery plan (Doc.  
 8 15):

9 Last day to amend pleadings/add parties:	July 5, 2022
10 Plaintiff's expert disclosure:	July 5, 2022
11 Defendant's expert disclosure	August 4, 2022
12 Rebuttal expert disclosure:	September 5, 2022
13 Last day of discovery:	October 4, 2022
14 Dispositive motions:	November 3, 2022
15 Joint Pretrial Order:	December 5, 2022

16 5. In compliance with Local Rule 26-3, the parties provide the following information  
 17 regarding the discovery status:

18 a. Discovery Completed:

- 19 i. Initial disclosures of witnesses and documents were
- 20 exchanged; and
- 21 ii. Defendants have propounded written discovery.
- 22 iii. Plaintiff has conducted an inspection of the location where Plaintiff
- 23 tripped and fell.

24 b. Discovery that remains to be completed:

25 Additional time is needed for the following discovery;

- 26 i. Depositions of the parties, F.R.C.P. 30(b)(6) witnesses, fact
- 27 witnesses, Plaintiff's treating physicians, and experts;
- 28 ii. Disclosure of initial and rebuttal experts; and

1                   iii. Defendants are still in the process of obtaining Plaintiff's pre- and  
2                   post-accident medical records.

3                   c. Reasons why discovery was not completed:

4                   This case concerns a trip and fall over a concrete parking lot bumper. The backlog that  
5                   developed from the COVID-19 pandemic has resulted in slower responses from the providers that  
6                   gather medical records and imaging that must be provided to the experts. Many of the experts are  
7                   overwhelmed and need additional time to provide reports, as litigation has picked up in recent  
8                   months. Plaintiff has two trials scheduled for July 2022, and as a result, Defendants are unable to  
9                   schedule Plaintiffs deposition or other witness depositions until August 2022 at the soonest.  
10                  Accordingly, good cause exists for an extension of the discovery deadlines by ninety (90) days is  
11                  necessary.

12                  d. Proposed schedule for completion of remaining discovery (extension of  
13                  remaining deadlines by approximately 90 days):

14                  Last day to amend pleadings/add parties:	July 5, 2022
15                  Plaintiff's expert disclosure:	October 3, 2022
16                  Defendant's expert disclosure	November 2, 2022
17                  Rebuttal expert disclosure:	December 5, 2022
18                  Last day of discovery:	January 3, 2023
19                  Dispositive motions:	February 1, 2023
20                  Joint Pretrial Order:	March 6, 2023

21                  ///

23                  ///

25                  ///

27                  ///

1 RESPECTFULLY SUBMITTED BY THE FOLLOWING COUNSEL OF RECORD:

2 DATED this 17<sup>th</sup> day of June, 2022.

DATED this 17th day of June, 2022.

3 MOSS BERG INJURY LAWYERS

LEWIS BRISBOIS BISGAARD & SMITH LLP

4 /s/ Marcus A. Burg

/s/ Laureen P. Frister

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*Attorneys for Plaintiff*

*Attorneys for Defendant Lowe's Home Centers,  
LLC*

11 IT IS SO ORDERED:

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14 

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UNITED STATES MAGISTRATE JUDGE

15 DATED: June 22, 2022

## Quintana, Lucille

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**Subject:** FW: Durling. stipulation and order to extend discovery (first) 4859-0176-8229 v.1.pdf

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**From:** Tonya Baltazar <[Tonya@mossberglv.com](mailto:Tonya@mossberglv.com)>

**Sent:** Tuesday, June 21, 2022 10:17 AM

**To:** Rakowsky, Vivienne <[Vivienne.Rakowsky@lewisbrisbois.com](mailto:Vivienne.Rakowsky@lewisbrisbois.com)>; Marcus Berg <[Marcus@mossberglv.com](mailto:Marcus@mossberglv.com)>; John Funk <[John@mossberglv.com](mailto:John@mossberglv.com)>

**Cc:** Frister, Laureen <[Laureen.Frister@lewisbrisbois.com](mailto:Laureen.Frister@lewisbrisbois.com)>

**Subject:** [EXT] RE: Durling. stipulation and order to extend discovery (first) 4859-0176-8229 v.1.pdf

Marcus said you can e-sign for him.

Thanks

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**From:** Rakowsky, Vivienne <[Vivienne.Rakowsky@lewisbrisbois.com](mailto:Vivienne.Rakowsky@lewisbrisbois.com)>

**Sent:** Monday, June 20, 2022 5:07 PM

**To:** Marcus Berg <[Marcus@mossberglv.com](mailto:Marcus@mossberglv.com)>; John Funk <[John@mossberglv.com](mailto:John@mossberglv.com)>

**Cc:** Tonya Baltazar <[Tonya@mossberglv.com](mailto:Tonya@mossberglv.com)>; Frister, Laureen <[Laureen.Frister@lewisbrisbois.com](mailto:Laureen.Frister@lewisbrisbois.com)>

**Subject:** Durling. stipulation and order to extend discovery (first) 4859-0176-8229 v.1.pdf

Good Afternoon:

I have attached a draft of a stipulation and Order to extend discovery in the Durling matter. Please review and let me know if we can affix your e-signature and submit it to the Court.

Thanks and let me know if you have any questions

Sincerely,  
Vivienne



**Vivienne Rakowsky**  
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